

1 North Carolina State Consumer & Family Advisory Committee

2
3 By-Laws
4 Revised April 10, 2008
5 Approved June 12, 2008
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7 **ARTICLE 1. NAME**

8 The name of this committee is the State Consumer and Family Advisory Committee
9 (SCFAC).
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11 **ARTICLE 2. PURPOSE**

12 There is established the State Consumer and Family Advisory Committee (State CFAC).
13 The State CFAC shall be a self-governing and self-directed organization that
14 advises the Department and the General Assembly on the planning and management of
15 the State's public mental health, developmental disabilities, and substance abuse services
16 system.
17

18 The State CFAC shall undertake all of the following:

- 19 • Review, comment on, and monitor the implementation of the State Plan for
20 Mental Health, Developmental Disabilities, and Substance Abuse Services.
- 21 • Identify service gaps and underserved populations.
- 22 • Make recommendations regarding the service array and monitor the
23 development of additional services.
- 24 • Review and comment on the State budget for mental health, developmental
25 disabilities, and substance abuse services.
- 26 • Participate in all quality improvement measures and performance
27 indicators.
- 28 • Receive the findings and recommendations by local CFACs regarding
29 ways to improve the delivery of mental health, developmental disabilities,
30 and substance abuse services.
- 31 • Provide technical assistance to local CFACs in implementing their duties.

32 **ARTICLE 3. MISSION**

33 The mission of the State CFAC is to:

- 34 • Support the development of consumer services by identifying needs and gaps in services
35 and promoting services that are effective and meet high quality standards
- 36 • Support CFAC growth and development at state and local level
- 37 • Support individual consumer and family participation at state and local
38 level
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40 **ARTICLE 4. SUPPORT TO THE STATE CFAC**

41 The Secretary shall provide sufficient staff to assist the State CFAC in
42 implementing its duties under subsection (c) of this section. The assistance shall
43 include data for the identification of service gaps and underserved populations,
44 training to review and comment on the State Plan and departmental budget,
45 procedures to allow participation in quality monitoring, and technical advice on
46 rules of procedure and applicable laws. State CFAC members shall receive the per
47 diem and allowances prescribed by G.S. 138-5 for State boards and commissions."
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49 **ARTICLE 5. MEMBERSHIP**

50 The State CFAC shall be composed of 21 members. The members shall be
51 composed exclusively of adult consumers of mental health, developmental
52 disabilities, and substance abuse services; and family members of consumers of
53 mental health, developmental disabilities, and substance abuse services.
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55
56 **Section 1. Recruitment of Members**

1 Recruitment of committee members is the responsibility of the appointing
2 authorities.

3 4 **Section 2. Term of Office**

5 The terms of members shall be three years, and no member may serve more than
6 two consecutive terms. Vacancies shall be filled by the appointing authority. The
7 members shall be appointed as follows:

- 8 • Nine by the Secretary. The Secretary's appointments shall reflect each of
9 the disability groups. The terms shall be staggered so that terms of three of
10 the appointees expire each year.
- 11 • Three by the General Assembly upon the recommendations of the
12 President Pro Tempore of the Senate, one each of whom shall come from
13 the three State regions for institutional services (Eastern Region, Central
14 Region, and Western Region). The terms of the appointees shall be
15 staggered so that the term of one appointee expires every year.
- 16 • Three by the General Assembly upon the recommendations of the Speaker
17 of the House of Representatives, one each of whom shall come from the
18 three State regions for institutional services (Eastern Region, Central
19 Region, and Western Region). The terms of the appointees shall be
20 staggered so that the term of one appointee expires every year.
- 21 • Three by the Council of Community Programs, one each of whom shall
22 come from the three State regions for institutional services (Eastern
23 Region, Central Region, and Western Region). The terms of the appointees
24 shall be staggered so that the term of one appointee expires every year.
- 25 • Three by the North Carolina Association of County Commissioners, one
26 each of whom shall come from the three State regions for institutional
27 services (Eastern Region, Central Region, and Western Region). The terms
28 of the appointees shall be staggered so that the term of one appointee
29 expires every year.

30 31 **Section 3. Resignation**

32 A member may resign by giving written notice to the Secretary of DHHS, SCFAC
33 Chairperson, Division Support Staff and the appropriate appointing authority.

34 35 **Section 4. Attendance**

36 SCFAC members shall attend each scheduled meeting in its entirety.

37
38 Excused absences consist of illness or personal/family emergency or hardship. The
39 final decision regarding an excused absence shall be made by the Chair.

40
41 Three unexcused absences within a year will require the Chairman to contact the
42 member as to his/her ability or interest in remaining a member. The Chairman will
43 report this to the appointing authority.

44
45 Four unexcused absences will require the Chairman's recommendation to the
46 appointing authority that a replacement should be appointed.

47 48 49 **ARTICLE 6. OFFICERS**

50 **Section 1. Number**

51 The officers of the SCFAC shall be the Chair and Vice-Chair. The same person
52 may not hold both offices. The SCFAC may elect Co-Chairs and/or Co-Vice
53 Chairs. The SCFAC may elect other officers with powers and duties consistent
54 with these Bylaws and as determined by the SCFAC.

55 **Section 2. Election Term of Office, and Qualifications**

56 A Nominating Committee composed of at least three members shall be nominated
57 from the floor and elected at the regular April meeting in even numbered years.

1 The Chair and Vice Chair shall be nominated by the Nominating Committee at the
2 regular May Meeting for election at the June meeting in even numbered years.

3
4 The Chair shall be elected for a term of 2 years and may not serve a second
5 consecutive term.

6
7 The Vice Chair shall be elected for a term of 2 years and may not serve a second
8 consecutive term. The Vice Chair may subsequently be elected Chair.

9
10 Officers are elected by a majority of the members.

11 12 **Section 3. Vacancies**

13 In case an office becomes vacant, the majority of the members of the SCFAC shall
14 elect an officer at the next meeting to fill the vacancy for the remainder of that term.

15 **Section 4. Chair**

16 The Chair shall preside at all meetings of the SCFAC. He/she shall generally have
17 charge and supervision of the affairs of the SCFAC, shall be responsible for the
18 development of the meeting agenda, and shall perform such other duties as may be
19 assigned by the SCFAC.

20
21 The Chair shall be the official representative of the SCFAC in all situations where
22 representation is appropriate and shall reflect the will or intention of the Committee
23 rather than his/her own opinion, if those should differ.

24
25 The Chair is the primary liaison with support staff and with the Division of
26 MH/DD/SAS.

27
28 The Chair shall appoint committee chairs in consultation with members of the
29 SCFAC.

30 31 **Section 5. Vice Chair**

32 At the request of the Chair, or in the event of the Chair's absence or incapacity, the
33 Vice Chair shall perform the duties and possess the power of the Chair and shall
34 have such other powers as the SCFAC may assign.

35 36 **Section 6. Removal**

37 Any officer may be removed from office by the affirmative vote of two-thirds of all
38 of the members of the SCFAC at any regular or special meeting called for that
39 purpose, for conduct detrimental to the mission and purpose of the Committee,
40 violation of the code of conduct, and/or for refusal or inability to fulfill the
41 responsibility of the Office. Any officer proposed to be removed shall be entitled to
42 at least fourteen days notice in writing by mail of the meeting of the SCFAC at
43 which removal is to be voted upon and shall be entitled to appear before and be
44 heard by the SCFAC at the meeting. Any officer may resign from office by giving
45 written notice to the Chair of the SCFAC.

46
47 The appointing authority has authority to remove members. Therefore, the SCFAC
48 must submit a written recommendation to the appointing authority to remove for
49 cause that must include justification with specific reason(s).

50 51 **Section 7. Resignation**

52 An Officer may resign by giving written notice to the Secretary of DHHS, SCFAC
53 Chairperson, Division Support Staff and the appropriate appointing authority.

54 55 **ARTICLE 7. COMMITTEES**

56 The SCFAC shall elect a Nominating Committee, Standing Committees and Ad
57 Hoc Committees as necessary. The Chair shall appoint the committee chairs. In the
58 establishment of a committee, the Chair, or the SCFAC by resolution, must identify:
59 The specific task and the time frame to accomplish the task.

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2 **ARTICLE 8. MEETINGS**

3 **Section 1. Regular Meetings**

4 Members of the SCFAC will meet monthly at the date, place, and time specified by
5 the SCFAC for the purpose of transacting business and electing officers.
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7 **Section 2. Executive Leadership Team Meetings**

8 Representatives of the SCFAC shall meet monthly with the Division of
9 MH/DD/SAS Executive Leadership Team. SCFAC will be represented by the Chair
10 and/or Vice Chair. The Chair, in consultation with the members, may invite other
11 committee chairs or members to attend to offer particular expertise or to report
12 SCFAC activities.
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15 **Section 3. Meetings with the Secretary DHHS**

16 At least annually in a regular meeting the SCFAC shall meet with the Secretary of
17 DHHS to present its position on the progress of the Division of MH/DD/SAS in
18 meeting the goals of system reform and the outcomes identified in the State
19 MH/DD/SAS Plan. The SCFAC will place the meeting with the Secretary on the
20 agenda in the last quarter. Additional meetings with the Secretary of DHHS may be
21 scheduled as necessary.
22

23 **Section 4. Special Meetings**

24 Special meetings may be called by the Chair or by at least 1/3 of the members.
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26 **Section 5. Notice of Meetings**

27 Notice of all regular meetings shall be made by email or mail at least 14 days before
28 the meeting to the address designated for such contacts by each member. Special
29 meetings require at least 5 days notice. Notice of meeting date, time, and place shall
30 be filed each month by the staff liaison with the Secretary of State in accordance
31 with the law.
32

33 **Section 6. Business to be Transacted**

34 All meetings shall comply with North Carolina Open Meetings statute.
35

36 The Chair shall develop the agenda in collaboration with the staff liaison in advance
37 of each meeting based on consultation with the vice chair and committee chairs and
38 member discussion at the previous meeting. The agenda shall be distributed with
39 the meeting notice.
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41 Any business may be transacted at any SCFAC meeting provided it is listed on the
42 agenda for that meeting. The agenda may be amended at the beginning of the
43 meeting by a majority of the members present and voting. Agenda items designated
44 for "action" may be discussed before a motion is made unless chair rules otherwise.
45

46 For special meetings, the Chair shall prepare an agenda to address the purpose of
47 the special meeting. No other agenda item may be added to the agenda of a special
48 meeting.
49

50 Minutes of all meetings will be taken by the staff liaison and distributed with the
51 meeting notice. Minutes must be approved by the SCFAC at the next regular
52 meeting.
53

54 The SCFAC may hold closed sessions as provided by law. The SCFAC shall
55 commence a closed session only after a motion to go into closed session has been
56 made and adopted during an open meeting. The motion shall state the purpose of
57 the closed session. The motion to go into closed session must be approved by a vote
58 of the majority of those present and voting. The staff liaison will be present at all

1 closed meetings to take minutes. The SCFAC shall terminate the closed session by
2 a majority vote.

3
4 **Section 7. Voting**

5 Each member is entitled to one vote on each matter submitted to a vote.

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7 The SCFAC will strive to reach decisions by consensus. Where consensus is not
8 possible, decisions will be made by a majority of the total membership. Members
9 are permitted to vote by proxy as determined by rules of procedure adopted by the
10 SCFAC.

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12 **Section 8. Conduct of Meetings**

13 The Chair shall preside over each meeting of the members. The Vice Chair shall
14 preside in the Chair's absence. The priority of authority for conduct of procedure
15 will be the SCFAC Rules of Procedure and issues not covered will reference
16 *Suggested Rules of Procedure for Small Local Government Boards* (A. Fleming
17 Bell, 1998), and finally Robert's Rules of Order.

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19 **ARTICLE 9. AMENDMENTS**

20 The SCFAC shall have power to make, alter, amend, and repeal the Bylaws by the
21 affirmative vote of two-thirds of the members of the Committee. The action shall be
22 proposed at a regular or special meeting of the Committee and adopted at a
23 subsequent regular meeting.